

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 26 September 2024

Public Authority: Chief Constable of Dyfed Powys Police

Address: Police Headquarters

PO Box 99

Llangunnor

Carmarthen

SA31 2PF

Decision (including any steps ordered)

1. The complainant requested various email addresses from Dyfed Powys Police (DPP). DPP provided most of the requested information but withheld one address on the basis that section 31(1)(a) and (b) (Law Enforcement) of the FOIA applied. The Commissioner's decision is that DPP was entitled to refuse to provide the requested information on the basis of the exception specified. The Commissioner does not require any steps.

Request and response

2. On 20 February 2024, the complainant wrote to DPP and requested the following email addresses:

"1. Subject access request department (i.e. data protection department)

2 Professional Standards department (complaints department) Legal services department (department that deals with civil lawsuits)

4 Also, please confirm if this is the correct email address for FOI requests.

Please note, this is NOT a request for police hosted webforms or any links that may redirect me to the police's preferred method of communication. I specifically required the email addresses as stated above."

3. DPP responded on 11 March 2024. It provided the addresses for items 1 and 3 of the request, and in relation to item 4, it confirmed that the email address the complainant used to submit their FOI request was correct. In respect of item 2, DPP refused to provide the email address for its Professional Standards Department (PSD) on the basis of section 31(1)(a) (the prevention or detection of crime) and section 31(1)(b) (the apprehension or prosecution of offenders) of the FOIA.
4. Following an internal review DPP wrote to the complainant on 3 April 2024. It stated that it was upholding its original decision.

Scope of the case

5. The complainant contacted the Commissioner on 5 April 2024 to complain about the way their request for information had been handled. The Complainant considers that complainants are entitled to make a complaint via any written method of their choosing, including social media.
6. The scope of the Commissioner's investigation is to consider whether DPP was entitled to refuse the requested information on the basis of sections 31(1)(a) and 31(1)(b) of the FOIA.

Reasons for decision

Section 31 – Law enforcement

7. Sections 31(1)(a) and (b) of FOIA provide an exemption where disclosure of the relevant information would, or would be likely to, prejudice the prevention or detection of crime and the apprehension or prosecution of offenders.
8. For this exemption to be engaged, disclosure must be at least likely to prejudice these matters.
9. The exemptions are qualified by the public interest which means that, if the public interest in maintenance of the exemption does not outweigh the public interest in disclosure, the information must be disclosed.

10. The exemption applies where disclosure “would” or “would be likely” to cause prejudice. DPP did not specify the level of likelihood being relied on, so the Commissioner has considered the lower level of “would be likely to” prejudice.
11. The complainant’s views are included above in the “Scope of the case” section of this notice.
12. In engaging section 31, DPP has explained to the Commissioner that its (PSD) informed its FOI unit that it does not make its email address publicly available:

“...as a strategy to counter unreasonable complainant behaviour as they deal on a daily basis with members of the public who are already disgruntled with the force and therefore more likely to use the email address to send an unnecessary and unmanageable volume of correspondence to the department.

It added:

“... this has occurred in the past where complainants have bombarded PSD with emails which have been extremely offensive and contained inappropriate images. This has resulted in the department having to block complainants in the past. They also advised that there should be no reason anyone would want to have the PSD email address as the complaints system is completely accessible online via the Dyfed-Powys Police website (hyperlinks provided within the final response to the applicant).”

13. DPP considers that section 31(1)(a) is engaged as should the email address be disclosed, disclosure under the FOIA would be to the public at large and may result in an unmanageable volume of inappropriate and/or unnecessary emails, which would result in resources being directed towards reviewing the emails to establish whether there is a legitimate complaint. Ultimately, this will in turn distract resources away from legitimate PSD matters, such as investigating complaints and investigating crime.
14. DPP further argued that this delay to the complaints process would in itself delay the prevention and detection of crime and would have a negative impact on any victims currently going through the PSD complaints procedures. DPP added that if PSD have a history of not dealing with such complaints efficiently and effectively due to its resources being diverted, this could result in the loss of public trust and members of the public not coming forward in future to report unlawful behaviour by staff/officers.. DPP further stated that this diversion of

resources could delay or inhibit the PSD's investigation of offenders in relation to criminal investigations.

The Commissioner's position

15. Having considered the complainant's views outlined in the scope of this notice, the Commissioner is unable to comment on the methods that should be used when submitting police complaints and the covering rules. However, he does note that DPP's complaints system is completely accessible online via DPP's website. Indeed, the Commissioner undertook a simple search on Google using the search terms 'Dyfed Powys Police complaints' and was taken directly to its complaints page which provides details of how to complain, including the link to its online complaints form. There is also a postal address and a telephone number with a textphone service for those with a hearing or speech impairment to use.
16. The Commissioner has considered the Council's arguments outlined above and notes that they are not dissimilar to an identical request for information from the same complainant considered under case reference IC-299782-Y7Y3¹. He would refer to the background provided by the public authority, in this case West Midlands Police (WMP) in paragraphs 2 and 3 of his decision notice.
17. Briefly, WMP informed the Commissioner that police forces in England and Wales are required to supply complaints data to the Independent Office for Police Conduct (the IOPC) and referred to an IOPC guidance document on capturing data about police complaints. The guidance refers to the importance of maintaining accurate and consistent information about complaints. It considers that this will help ensure public confidence in the police complaints system and help identify opportunities for learning and improvement. It also helps to identify issues and trends and contributes to a sound evidence base that informs development of future policy.
18. Based on the rationale provided, and his previous views in decision notice IC-299782-Y7Y3 (previously cited) and case reference IC-115760-F1K4², the Commissioner accepts that disclosure of the

¹ <https://ico.org.uk/media/action-weve-taken/decision-notices/2024/4030725/ic-299782-y7y3.pdf>

² <https://ico.org.uk/media/action-weve-taken/decision-notices/2022/4022515/ic-115760-f1k4.pdf>

requested email address would be likely to interfere with DPP's core business of law enforcement. He is therefore satisfied that sections 31(1)(a) and (b) of the FOIA are engaged and has now gone on to consider the public interest test.

Public interest arguments in favour of disclosure

19. DPP acknowledges that to disclose the information would allow better public awareness, openness and transparency.

Public interest test arguments in favour of maintaining the exemption

20. DPP considers that disclosure of the information may jeopardise the ability of the PSD to investigate complaints and ultimately DPP to fulfil its core function of law enforcement.

Balance of the public interest

21. The Commissioner has considered the public interest arguments provided by DPP and whilst he notes that they are lacking in detail, he has had regard to the public interest test arguments in the two previous decision notices referenced earlier in this notice.
22. The Commissioner would highlight the general public interest in transparency and accountability of public authorities, including police forces.
23. The Commissioner also accepts that there is a public interest in members of the public who wish to make a complaint to DPP via its PSD being able to do so.
24. However, the Commissioner considers that the use of the standardised online complaint form provides most complainants with a quick and easy process by which to submit their complaint.
25. As stated in paragraph 27 of decision notice IC-299782-Y7Y3:

“ This means the complainant, and any others who need to do so, are not inconvenienced and are able to contact WMP [in this case DPP] by email, albeit this is not direct contact to PSD itself. ”

26. The Commissioner is mindful that not everyone has access to the internet or will be able to make submit their complaint online, and as stated in paragraph 15 of this notice, for anyone unable to make a complaint online, there is a postal address and a telephone number with a textphone service for those with a hearing or speech impairment to use.
27. The Commissioner also acknowledges the strong public interest in ensuring that DPP is able to protect its law enforcement responsibilities and capabilities without its resources being diverted by having to review and administer additional non-relevant emails which would be generated if the requested email address was to be disclosed to the general public under the FOIA.
28. Additionally, any general access to the PSD via this route would be likely to result in inadequate submissions, lack of continuity and potential duplication if the consistency of the standardised online complaints form was lost. A standardisation, designed in part to assist the public as well as DPP and police forces in England and Wales more generally.
29. As with his previous relevant decision notices referred to above, the Commissioner cannot identify an overriding reason for the world at large to require knowledge of the requested direct email address.
30. The Commissioner therefore considers that since disclosure would be likely to compromise DPP's law enforcement abilities, disclosure would not be in the public interest. He is therefore satisfied that the balance of the public interest is weighted in favour of maintaining the exemption.

Other matters

DPP's submissions to the Commissioner

31. The Commissioner has consistently referred to two previous similar decision notices throughout this notice, one of which concerned an identical request for information from the same individual. Whilst it can often be helpful to refer to previous decisions, the Commissioner would stress that each decision is made on a case by case basis. He would therefore have anticipated more comprehensive arguments from DPP, particularly in respect of its public interest test, than those provided.

Right of appeal

32. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)
GRC & GRP Tribunals,
PO Box 9300,
LEICESTER,
LE1 8DJ

Tel: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

33. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
34. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Catherine Dickenson
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